

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Cynthia Zakary	Team: Team # 8	CCRB Case #: 200412172	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 12/02/2004 9:30 AM	Location of Incident: on Broadway, btw. Hart and Suydam Streets.	Precinct: 81	18 Mo. SOL 6/2/2006	EO SOL 6/2/2006	
Date/Time CV Reported Thu, 12/02/2004 9:55 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 12/07/2004 6:09 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Edward Young	29580	929389	081 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Darrell Shannon	04053	925180	081 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Edward Young	Discourtesy: PO Edward Young spoke rudely to § 87(2)(b)	
B.POM Edward Young	Abuse: PO Edward Young threatened to arrest § 87(2)(b)	
C.POM Edward Young	Abuse: PO Edward Young forcibly stopped § 87(2)(b)	

Synopsis

On December 2, 2004 at approximately 9:30am, § 87(2)(b) was riding his bicycle along Broadway in Brooklyn when he was stopped by PO Darrell Shannon and PO Edward Young. § 87(2)(b) was stopped because he rode his bicycle on the sidewalk for a short period of time due to construction in the street. During the stop, § 87(2)(b) walked away from the officers to make a phone call, which prompted the officers to go after him. The interaction ended with § 87(2)(b)'s arrest. § 87(2)(b) alleged that during the interaction, PO Young cursed at him, pushed him up against a wall, and also threatened to arrest him.

§ 87(2)(g)

Summary of Complaint

§ 87(2)(b) made a brief telephone statement regarding the incident on January 3, 2005 (encl. 9) and was subsequently interviewed at the CCRB on January 13, 2005 (encl. 10-10a). § 87(2)(b) is a § 87(2)(b) old black male, 5'9", 160 pounds, with black hair and brown eyes. § 87(2)(b)

On December 2, 2004 at approximately 9:30am, § 87(2)(b) was riding his bicycle along Broadway in Brooklyn on his way to the Social Security office. Somewhere between Hart Street and Suydam Street, there was construction on the road and one lane of traffic was blocked. Since there was no room on the road, § 87(2)(b) rode his bicycle up on the sidewalk for approximately two car lengths, and then came back down on the street. A patrol car made a quick siren noise and pulled up next to § 87(2)(b). The patrol car and § 87(2)(b) came to a stop simultaneously, and the driver, PO Darrell Shannon, asked § 87(2)(b) for identification. § 87(2)(b) said, "Why are you going to give me a ticket when you see that the street is under construction?" PO Shannon told § 87(2)(b) he had no business being on the sidewalk, and then § 87(2)(b) tried to explain that he didn't want to get hit by a car. PO Shannon's partner said, "I don't give a fuck about you getting hit by a car" (**Allegation A**). § 87(2)(b) then cursed back at him.

PO Shannon's partner got out of the car and said, "Give me your fucking ID." § 87(2)(b) gave the officer his identification, and said, "Take my ID and mail me the ticket," and then began walking away to make a phone call at a nearby phone booth. The officer told § 87(2)(b) to come back, so he did. The officer then told § 87(2)(b) he could arrest him (**Allegation B**). § 87(2)(b) asked him what he could be arrested for, and the officer said, "Because I can do that." § 87(2)(b) didn't say anything. PO Shannon's partner got back in the car and began writing up a ticket for § 87(2)(b). § 87(2)(b) told PO Shannon that he needed to make a phone call, and again walked away towards the phone booth. Both officers got out of the car and came towards § 87(2)(b). The officers later told him they were calling him back to the car, but he didn't hear them. PO Shannon's partner grabbed § 87(2)(b) by the collar and pushed him up against the wall (**Allegation C**). § 87(2)(b) tried to tell him he was late for an appointment but the officer did not care. The officer said, "Get back over here. I'll lock you up. I know you have a warrant. I know you have some drugs on you." § 87(2)(b) explained to the officers that he knew he wasn't supposed to be on the sidewalk, and that's why he only rode on it for two car lengths when he had to. PO Shannon said nothing while his partner got back into the car and continued writing the ticket. § 87(2)(b) saw a lady who was observing the scene, so he asked her if she would mind making a phone call for him. As § 87(2)(b) was giving the lady his number, PO Shannon's partner got out of the car and said, "Enough of this shit," and put § 87(2)(b) in handcuffs. § 87(2)(b) and his bicycle were placed in the car and taken to the 81st Precinct.

At the precinct, PO Shannon's partner told § 87(2)(b) that he had a warrant. In an incident that involved § 87(2)(b) the prior week, he was let go and not prosecuted because the complainant was unavailable. The complainant had since then come forward and § 87(2)(b) was going to be charged with § 87(2)(b). § 87(2)(b) was never given the ticket that PO Shannon's partner had started writing for the bicycle infraction. § 87(2)(b) complained of chest pain and was taken to § 87(2)(b) by PO Shannon. § 87(2)(b) was in the hospital for two days and then went to Court, where he was released on his own recognizance.

Civilian Witness- 911 Call (encl. 18)

At 9:45am on December 2, 2004, a female caller dialed 911 to report an incident that was taking place on Broadway and Suydam Street in Brooklyn. The caller was transferred to IAB, and went on to report that two black officers from the 81st Precinct had jumped out of a police car and approached a man on a bicycle. The man was not saying anything, and one of the officers was in a rage and got up in the man's face and said, "Fuck you. Fuck you. I'm tired of this shit." The man was quiet during the whole incident and looked scared. The officer pushed the man up on the wall and searched him. The subject officer was the dark skinned passenger of the car, and not the light skinned driver. A crowd formed and the officers took the man away in their vehicle. The female caller provided her name as § 87(2)(b)

Results of Investigation**SPRINT** (encl. 16-16b)

At 9:37am on December 2, 2004, one male stopped and one under. There was also a verification/arrest. At 9:44am, a female caller stated a pedestrian is having problem with police officers. She's at location. IAB was notified. At 9:46am, female caller stated police officer left location with pedestrian. IAB Log. No. 04-36094 generated at 9:51am. At 2:42pm, 10-92 non-arrest crime report prepared. At 4:42pm, 10-93C crime arrest report prepared.

Attempts to ID and Locate Witnesses

A call was placed to the ani-ali number listed on the Sprint, which revealed that the female 911 caller had placed the call from a pay phone located on Broadway, between Willoughby Avenue and Suydam Street. Both § 87(2)(b) and PO Young stated that bystanders had come out of a medical clinic a few feet away from where the incident occurred. A February 2, 2005 canvass to the location found Parkway Medical Group on the same block where the incident had taken place. However, prior to December 31, 2004, a different business named Interfaith Bushwick Family Health Center had occupied the space. Two doctors who worked with the previous organization were still practicing with the new company, but they did not know a § 87(2)(b) or § 87(2)(b) that had worked there.

Police Officer Testimony**PO Edward Young**

PO Edward Young was interviewed at the CCRB on January 31, 2005 (encl. 13-13a). PO Edward Young is a § 87(2)(b) old dark skinned black male, 5'9", 190 pounds, with black hair and brown eyes. On the date of incident, December 2, 2004, PO Young was partnered with PO Darrell Shannon and worked 0705 by 1540 hours in RMP 2717. On that day, PO Young's memo book (encl. 12) at 0929 hours noted, "male stopped in front of 1014 Broadway." At 0937 hours, "one under from location."

On December 2, 2004 at approximately 9:45am, PO Young and PO Shannon were driving northbound on Broadway in Brooklyn when they observed a black male riding his bicycle on the sidewalk. PO Shannon was driving, and he pulled the car into the oncoming lane of traffic and signaled with the horn for the male to stop. The individual was on the driver's side of the vehicle, and the officers asked the male to come to the car so that they could write him a summons. The officers asked the male for ID and he started cursing. He said, "You fucking niggers, you fucking Uncle Toms. You stop me for nothing." He told the officers he was on his way to the social security office. He also said he was riding his bicycle on the sidewalk because of construction, although there was no construction. All of a sudden the male got off his bicycle, left it there, and walked off from the RMP headed southbound. PO Young did not know where the individual was going because all of the stores were closed. The officers yelled for him to come back, and when he didn't respond they exited the vehicle and went after him. PO Young caught up with the male and grabbed him by his jacket on the upper part of his arm and directed him to get up on the wall. The male was wearing a pull over hooded sweatshirt with a jacket on top of that. PO Young did not have to use excessive force because the male did not resist. PO Young then frisked him to make sure he didn't have any weapons on him. He may have asked the male if he had drugs on him to ensure he wasn't stuck with a needle. PO Shannon was standing to the side of this interaction. PO Young asked the male why he walked away when they were trying to give him a summons, and he did not respond. During the frisk, a crowd started to form while the male was cursing and yelling. Approximately four to five people had come out of the medical

clinic a few stores away and were crowding around the incident. PO Young put handcuffs on the male and then put him in the patrol vehicle and took him back to the precinct. The individual's bicycle was put in the officers' vehicle and later vouchered. The male never provided the officer's with his identification and they did not know his identity at the scene.

At the 81st Precinct, the officers were presented with the individual's identification and learned he was § 87(2)(b). This name is often brought up at the precinct because of the numerous incidents he has been involved with. The officers planned to run a warrant check and then write a summons to the individual and let him go. PO Young stated that neither officer started writing a summons for § 87(2)(b) at the scene or at the precinct, nor was he ever issued a summons for riding his bicycle on the sidewalk. Lieutenant Rios told PO Young to hold on to the male because he was named in an open complaint from a prior incident. § 87(2)(b) was previously charged with § 87(2)(b) but the police could not get in touch with the complainant, and since then they had. § 87(2)(b) was arrested for § 87(2)(b) from the prior incident, as well as § 87(2)(b) from this incident. At the precinct, § 87(2)(b) stated he had chest pains and he needed to go to the hospital, so he was transported to § 87(2)(b). § 87(2)(b) never claimed his injuries were a result of his interaction with PO Young.

During PO Young's CCRB interview, he stated that there is a telephone booth on Broadway near where the incident occurred, but § 87(2)(b) never stated he needed to use the phone or attempted to. PO Young also stated he never cursed at § 87(2)(b) or threatened to arrest him during the incident.

PO Darrell Shannon

PO Darrell Shannon was interviewed at the CCRB on January 31, 2005 (encl. 15-15a). PO Shannon is a § 87(2)(b) old light skinned black male, 5'7", 215 pounds, with black hair and brown eyes. PO Shannon confirmed that he was partnered with PO Edward Young on the date of incident, December 2, 2004, and he worked 0705 by 1540 hours in RMP 2717. His memo book (encl. 14-14a) for that day at 0935 hours noted, "male stopped 1014 Broadway/Hart." At 0937 hours, "one male under at location." At 0950 hours, "10-83 in regards to 81 precinct."

PO Shannon corroborated PO Young's account that at approximately 9:45am the officers observed a black male on Broadway riding his bicycle on the sidewalk. The officers spoke with the individual and told him they were going to issue him a summons for riding his bicycle on the sidewalk. The man said it was bullshit and asked why were they pulling him over. The officers did not curse at him in return. The officers asked for identification and the individual refused to give it to them. He verbally provided his name § 87(2)(b) and pedigree information, and PO Young began writing out a summons. Approximately 10 to 15 minutes into the stop, § 87(2)(b) got off his bicycle and walked away from the officers. When PO Shannon called to § 87(2)(b) and he did not respond both officers exited the vehicle and started in his direction. PO Young got in front of § 87(2)(b) and asked him why he was walking away, and he said that he didn't hear the officers. He may have also said that he was going to use the phone. PO Young grabbed the upper portion of one of § 87(2)(b)'s arms and turned him around so he was facing the wall. PO Young patted down § 87(2)(b) for weapons and then the officers took him back to the vehicle while PO Young continued writing the summons. The whole time § 87(2)(b) was yelling, and stated the officers were Uncle Toms. A crowd of three to four individuals formed, and § 87(2)(b) was calling out to some of the bystanders giving them phone numbers to call. § 87(2)(b) wanted them to make a phone call for him, and to record the number of the police car. Two female bystanders told the officers they were messing with § 87(2)(b) for no reason. § 87(2)(b) said, "These mother fuckers stopped me for no fucking reason. This is bull shit." An older black female in her 50's was writing information down. In order to avoid interaction with the crowd, the officers handcuffed § 87(2)(b) put him in the car with his bicycle, and transported him to the 81st Precinct.

At the precinct detectives debriefed § 87(2)(b) and realized there was an open complaint from a § 87(2)(b) investigation involving § 87(2)(b) from two days earlier. § 87(2)(b) was then arrested on the open complaint from the prior incident. § 87(2)(b) complained of chest pains from cardiac history and was transported to § 87(2)(b). § 87(2)(b) did not claim his injuries were a result of his interaction with the officers. PO Shannon had never interacted with § 87(2)(b) before, and had only heard his name at the station house. He did not recognize this individual as § 87(2)(b) when they pulled him over. He

also stated that at no time during the incident did he or PO Young curse at § 87(2)(b) or threaten to arrest him.

Criminal Conviction History of Civilian (encl. 27-27d)

§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Substantiated CCRB Cases

PO Edward Young does not have any substantiated CCRB cases on record (encl. 3).

Conclusions and Recommendations

Officer Identification

PO Edward Young was identified as the subject officer on the IAB log (encl. 4-4c). He was also listed as § 87(2)(b)'s arresting officer on December 2, 2004. The 81st Precinct roll call identified PO Darrell Shannon as PO Young's partner on December 2, 2004, and both officers confirmed that they were present during the incident.

Undisputed Facts

On December 2, 2004 at 9:30am, PO Young and PO Shannon stopped § 87(2)(b) for riding his bicycle on the sidewalk. During their interaction, § 87(2)(b) walked away from the officers, causing both officers to exit their vehicle and go after § 87(2)(b). PO Young grabbed § 87(2)(b) by his clothing and placed him up against a wall and frisked him. When a crowd formed, the officers handcuffed § 87(2)(b) and took him to the precinct. At the precinct, § 87(2)(b) was arrested on an open complaint from an incident he was involved with from a few days prior.

Disputed Facts

§ 87(2)(b) claimed that PO Young cursed at him numerous times throughout the incident, while admitting that he also cursed back in return. A female 911 caller § 87(2)(g) stated that she saw an officer get up into § 87(2)(b)'s face and say, "Fuck you. Fuck you. I'm tired of this shit" (encl. 18). Both officers denied using profanity. PO § 87(2)(b) alleged that PO Young told him that he could be arrested, which PO Young and PO Shannon deny. Both officers stated they did not plan to arrest § 87(2)(b) and only handcuffed him and took him to the precinct because a crowd had formed. § 87(2)(b) was only arrested after discovering he was wanted on an open complaint from a previous incident. § 87(2)(b)

§ 87(2)(g) PO Young stated that neither officer ever began writing out a summons to § 87(2)(b) at any time. In contrast, PO Shannon stated that PO Young began to issue a summons when § 87(2)(b) was first stopped, and continued to write the summons after § 87(2)(b) was placed up against the wall. § 87(2)(g) PO Young recalled placing § 87(2)(b) into handcuffs right after the officers exited the vehicle to stop him and a crowd started to form. PO Shannon stated that § 87(2)(b) was handcuffed after the officers returned to the car after stopping him, and as PO Young continued to write out a summons. It was then that § 87(2)(b) caused a crowd to form and the officers decided to remove him to the precinct.

Credibility Analysis of Civilians

§ 87(2)(g)

During § 87(2)(b)'s IAB interview, he did not mention that PO Young threatened to arrest him, but stated that PO Young told him they were going to check whether there were any warrants for his arrest. § 87(2)(b) also claimed that the officers explained to him that he was being taken to the precinct because a crowd was forming, indicating he wasn't being placed under arrest and was only being removed from the scene. § 87(2)(b) also failed to reveal that PO Young had threatened to arrest him when he initially spoke to the CCRB investigator. § 87(2)(g)

Credibility Analysis of Police Officers

§ 87(2)(g)

Determination of Fact

PO Shannon and PO Edward stopped § 87(2)(b) for riding his bicycle on the sidewalk. While the officers were still in their vehicle speaking to § 87(2)(b) he walked away from them and ignored their instruction to return. The officers went after § 87(2)(b) who was defying their orders, and PO Young grabbed him by his jacket and placed him up against a wall. § 87(2)(b) was frisked for weapons and the officers returned to their car and continued dealing with him. § 87(2)(b) began inciting a crowd to form, so he was placed into handcuffs and taken to the precinct. At the precinct § 87(2)(b) was arrested due to an outstanding complaint for an incident he was involved with two days earlier.

Allegations

Allegation A: PO Edward Young spoke rudely to § 87(2)(b)

§ 87(2)(b) claimed that PO Young cursed at him throughout the incident, and admitted that he also used profanity when speaking to the officers. A 911 caller corroborated § 87(2)(b)'s claim that PO Young cursed at him, and her account of what was said was very similar to § 87(2)(b)'s account. Both officers deny that either of them used profanity at any time. § 87(2)(g)

PO Young's use of profanity was a violation of *Patrol Guide Procedure 203-09*, which requires officers to be courteous and respectful when dealing with the public (encl. 1). § 87(2)(g)

Allegation B: PO Edward Young threatened to arrest § 87(2)(b)

§ 87(2)(b) alleged that after walking away from the vehicle, and returning upon the officers' request, PO Young told him he could arrest him just because he could. § 87(2)(g)

However, both officers stated that § 87(2)(b) only walked away from the vehicle once, which prompted them to exit the car and go after him. They both maintained that they never threatened to arrest § 87(2)(b) but stopped him after he left the patrol vehicle, and only removed him to the precinct once a crowd formed.

§ 87(2)(g)

Allegation C: PO Edward Young forcibly stopped § 87(2)(b)

§ 87(2)(b) claimed that PO Young grabbed him by his clothing and pushed him up against a wall. § 87(2)(b) admitted he had walked away from the officers and did not hear their repeated requests that he return to the patrol vehicle. Neither officer recalled § 87(2)(b) communicating that he needed to use the phone before he left the vehicle. § 87(2)(g) PO Young admitted that he grabbed § 87(2)(b) by his jacket to stop him and question him concerning where he was going and why he was defying their orders. PO Young guided § 87(2)(b) up against the wall by his jacket in order to frisk him for weapons. § 87(2)(g)

§ 87(2)(b) The Police Student's Guide indicates that a firm grip meant to guide, and not cause pain, is a means of appropriate force by an officer who is confronted with an individual resisting the officer's verbal directions (encl. 2-2a). § 87(2)(g)

Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: